

Schuy-Rush Lake -- Section 4(f) Eligibility Determination

- ITEM E-1** To: Michael Vanderhoof, IDOT District 6
From: Lynn Smith, Mayor of Rushville
Date: October 4, 1999
Subject: Letter stating that the area of Schuy-Rush Park where U.S. 67 crosses is not a playground or recreational area.
- ITEM E-2** To: Ronald C. Marshall, FHWA
From: Victor Modeer, IDOT District 6
Date: October 25, 1999
Subject: Letter requesting concurrence that Schuy-Rush Lake and Park is not a Section 4(f) resource.
- ITEM E-3** To: Victor Modeer, IDOT District 6
From: Keith Hoernschemeyer, FHWA
Date: December 16, 1999
Subject: Concurrence that Schuy-Rush Lake and Park is not a Section 4(f) resource

**RUSHVILLE CITY HALL
OFFICE OF THE MAYOR
220 West Washington St.
Rushville, Illinois 62681
Phone: 217-322-3833**

October 4, 1999

Michael Vanderhoof
Illinois Department of Transportation
126 East Ash
Springfield, IL 62704

Re: Route 67 crossing/Schuy-Rush Park

Dear Mr. Vanderhoof:

This letter is to advise you that the area of Schuy-Rush Park where Route 67 presently crosses is not a playground or recreational area. I hope this assists you in your planning for the Route 67 improvements. Should you need anything further, please do not hesitate to give me a call.

Sincerely,


Lynn Smith, Mayor

SJB/jb

ORDINANCE NO. 410

ORDINANCE SETTING APART CERTAIN CITY LANDS
AS PLAYGROUND AND RECREATIONAL CENTERS.

WHEREAS, the City of Rushville, County of Schuyler and State of Illinois, is the owner of the following described real estate:

The Northeast Quarter (NE¹/₄) of Section Seven (7) excepting ten (10) acres in a square form in the Southwest corner thereof, in Township One (1) North of the Base Line, Range One (1) West of the Fourth Principal Meridian, situated in the County of Schuyler and in the State of Illinois,

and, WHEREAS, the above described land was purchased by the said City of Rushville for the purpose of using a part of the same to impound water thereon for the future use of the City, and,

WHEREAS, surveys and studies have been made to determine the shore line of the proposed lake impounding said water on said land, and,

WHEREAS, other parts of said land will not be covered by said impounded water from the proposed lake, and,

WHEREAS, the City Council of the City of Rushville, Schuyler County, Illinois, deems it for the best interest of the inhabitants of said to dedicate and set apart for use as play ground and recreational centers, any and all land above described and not dedicated or devoted to land to be covered by the impounded water of a proposed lake for future water supply for the City of Rushville,

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED:

SECTION 1

That all that part or portion of the following described real estate not to be covered by the impounded water of a proposed lake for the future water supply of the City of Rushville, to-wit:

The Northeast Quarter (NE¹/₄) of Section Seven (7) excepting ten (10) acres in a square form in the Southwest corner thereof, in Township One (1) North of the Base Line, Range One (1) West of the Fourth Principal Meridian, situated in the County of Schuyler in the State of Illinois,

be and the same is hereby dedicated and set apart for use as playground and recreational centers for the benefit of the public.

SECTION 2

The name of said playground and recreational center shall be "SCHUY-RUSH PARK".

SECTION 3

(a) A Playground and Recreational Board is hereby established and shall consist of five (5) persons to be appointed by the Mayor of the City with the consent of the City Council. Their term of office shall be five (5) years or until their successors are

4

appointed and have qualified. The members of the board first appointed shall be appointed for such terms that the term of one (1) member shall expire annually hereafter, and on May 1,

(b) The Board shall serve without compensation;

(c) If a vacancy occurs in the office of any Board Member the Mayor shall appoint a successor to serve for the unexpired term.

(d) The Playground and Recreational Park Board shall, immediately after appointment, meet and organize by the election of one of their members as President and one of their members as Secretary. They shall make and adopt such By-Laws, rules and regulations for their own guidance as may be expedient and not inconsistent with law.

(e) A Board member shall not be interested in any contract or any work done in connection with said Playground and Recreational system.

SECTION 4

The said Playground and Recreational Park Board shall have power -

(a) to formulate plans, lay out and construct, control and supervise said playground and Recreational Center;

(b) to make rules and regulations for the use, care and management of said playground and Recreational Center as may be necessary to carry into effect the powers hereby expressly granted and to enforce the same;

(c) to accept any grant or devisee of real estate or any gift or bequest of money or any personal property or donation, the principal or income of which is to be applied for either temporary or permanent use for playground and recreational purposes, all in accordance with law;

(d) to enter into leases of any portion of the above described land not being used for playground or recreational purposes, to any person or persons for the purpose of establishing concessions not inconsistent with law.

SECTION 5

(a) All moneys received for playground or recreational purposes by way of gifts, rents from concessions, or otherwise, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the Municipal Treasurer to the account of the "Playground and Recreational Board."

(b) The said Board shall have authority to contract in accordance with this ordinance and shall make payments for the same from all funds in their hands received by way of Section 5 (a) hereof.

(c) Any and all other contracts requiring the payment of money from the general funds of the City shall first have the approval of the City Council.

SECTION 6

The terms of this ordinance apply only to the lands above described and do not apply to Scripps Park, which is governed by a separate Board of Park Commissioners.

PASSED AND ADOPTED this 8th day of February, A.D. 1967.

J. Orson Unger
Mayor

WITEST:

Ethel Churchill
City Clerk

APPROVED this 8th day of February, A.D. 1967.

J. Orson Unger
Mayor

WITEST:

Ethel Churchill
City Clerk

Ord
ORDINANCE NO. 398

ORDINANCE AUTHORIZING PURCHASE OF REAL ESTATE FOR PURPOSES OF
ESTABLISHING FUTURE WATER SUPPLY FOR CITY OF RUSHVILLE.

WHEREAS, the City of Rushville, Schuyler Co., Ill., are the holders of a certain option dated July 29, 1965, from Francis Weinberg, Augusta, Illinois for the sale of real estate described as:

The Northeast quarter (NE $\frac{1}{4}$) of Section seven (7) excepting ten (10) acres in a square form in the Southwest corner thereof, in Township one (1) North of the Base Line in Range one (1) West of the Fourth Principal Meridian, situated in the County of Schuyler in the State of Illinois, and,

WHEREAS, the consideration as agreed upon to be paid by the said City to the said Francis Weinberg for said real estate is \$20,000.00, and,

WHEREAS, the said City was given one year from the date of said option to accept the same by ten (10) days written notice to the owner thereof, and

WHEREAS, the City of Rushville, Schuyler County, Illinois, has jurisdiction to purchase and acquire said property under and by virtue of the Municipal Code of the State of Illinois, Division 125, Section 11-125-2, Illinois Revised Statute, 1965 Edition and by virtue of Division 76.1, Illinois Revised Statute, Section 11-76.1-1 et. seq. (1965 Ed.) and

WHEREAS, the elected corporate authorities of the City of Rushville, Schuyler County, Illinois, deem it for the best interest of said City to purchase the above described real estate at the sum of \$20,000.00 and to make payment thereof in one installment as provided in Division 76.1

NOW THEREFORE BE IT ORDAINED, and the same is accordingly ordained

SECTION I

That the City attorney of the City of Rushville, Schuyler County, Illinois, serve notice upon Francis Weinberg, Augusta, Illinois, of the City's intention to exercise its option to purchase the real estate described as:

The Northeast quarter (NE $\frac{1}{4}$) of Section seven (7) excepting ten (10) acres in a square form in the Southwest corner thereof, in Township one (1) North of the Base Line in Range one (1) West of the Fourth Principal Meridian, situated in the County of Schuyler in the State of Illinois,

for the sum of \$20,000.00 in accordance with its option from the said Francis Weinberg to purchase said land and dated July 29, 1965.

SECTION II

That a copy of this Ordinance shall be published at least twice within thirty (30) days after its passage in a newspaper published in this Municipality.

SECTION III

That the necessary funds for the payment of the purchase price of the above described land in the amount of \$20,000.00 is hereby appropriated.

SECTION IV

This Ordinance shall require the affirmative vote of two-thirds ($\frac{2}{3}$) of the elected corporate authorities.

Affirmative vote 7

Negative vote 0

PASSED and ADOPTED upon reconsideration this 15th day of July, A.D. 1966

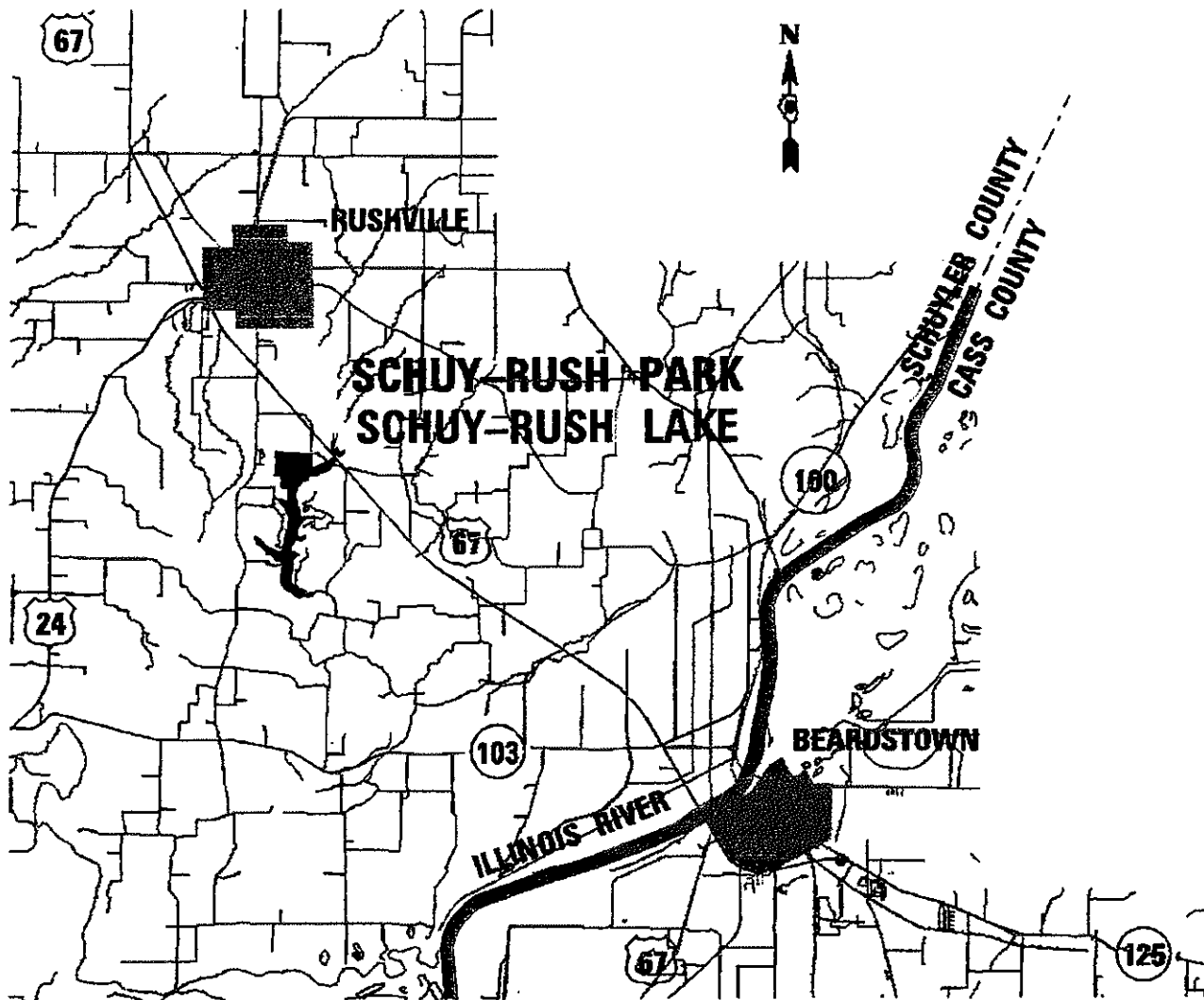
J. Orson Unger
Mayor

ATTEST: Ethel Churchill
City Clerk.

APPROVED this 15th day of July, A.D., 1966.

J. Orson Unger
Mayor

ATTEST: Ethel Churchill
City Clerk



LOCATION SCHUY - RUSH PARK / LAKE



Illinois Department of Transportation

Division of Highways / District 6
126 East Ash Street / Springfield, Illinois 62704-4792

October 25, 1999

Mr. Ronald C. Marshall
Federal Highway Administration
3250 Executive Park Drive
Springfield, IL 62703

Attn: Keith Hoernschemeyer

RE: FAP Route 310 (US 67)
Section (69,9,85,55)
Morgan & McDonough Counties
Jacksonville to Macomb

Dear Mr. Marshall:

The subject project consists of construction of a four lane expressway from Jacksonville to Macomb. Please see the enclosed topographic map and aerial mosaic showing the proposed alignment where it crosses Schuy-Rush Lake. The primary function of the lake is for water supply to the City of Rushville, although some boating activity does occur. The lake and portions of the surrounding upland areas are owned by the City.

The proposed improvement at this location consists of constructing a four lane expressway on the current alignment with proposed right-of-way on the southeast side. A four lane structure will be constructed to replace the existing two lane structure carrying US 67 over Schuy-Rush Lake. Please note the lake is not navigable at this location. Approximately 2.3 acres of City property will be required for right-of-way. A city ordinance (enclosed) dated February 6, 1967 dedicates all upland areas surrounding the lake as "recreational and playground".

Since that time, however, recreational facilities have been developed on the west side of the property opposite US 67, and the area of recreational and playground use has become more defined. The park area is located approximately 0.5 mile west of where US 67 traverses the City property. The area that the proposed US 67 will affect is currently undeveloped and is not used for recreational or playground purposes. We have contacted the City of Rushville to verify that they do not consider their property to have recreational or playground use at this location, and they have concurred as indicated on the enclosed letter. They indicated the ordinance does not reflect the current use at Schuy-Rush Park.

In addition to the above proposed activities, we intend to relocate the township road, labeled as Schuy-Rush Road, on the enclosed graphic. This road provides access to a residential subdivision and Schuy-Rush Park. No City

Mr. Roland Marshall

Page -2-

October 25, 1999

property will be required for this relocation and park and residential access will be maintained during construction.

Based on this information, we do not feel our current scope is subject to processing under section 4f of the Department of Transportation Act. We request your concurrence in this finding.

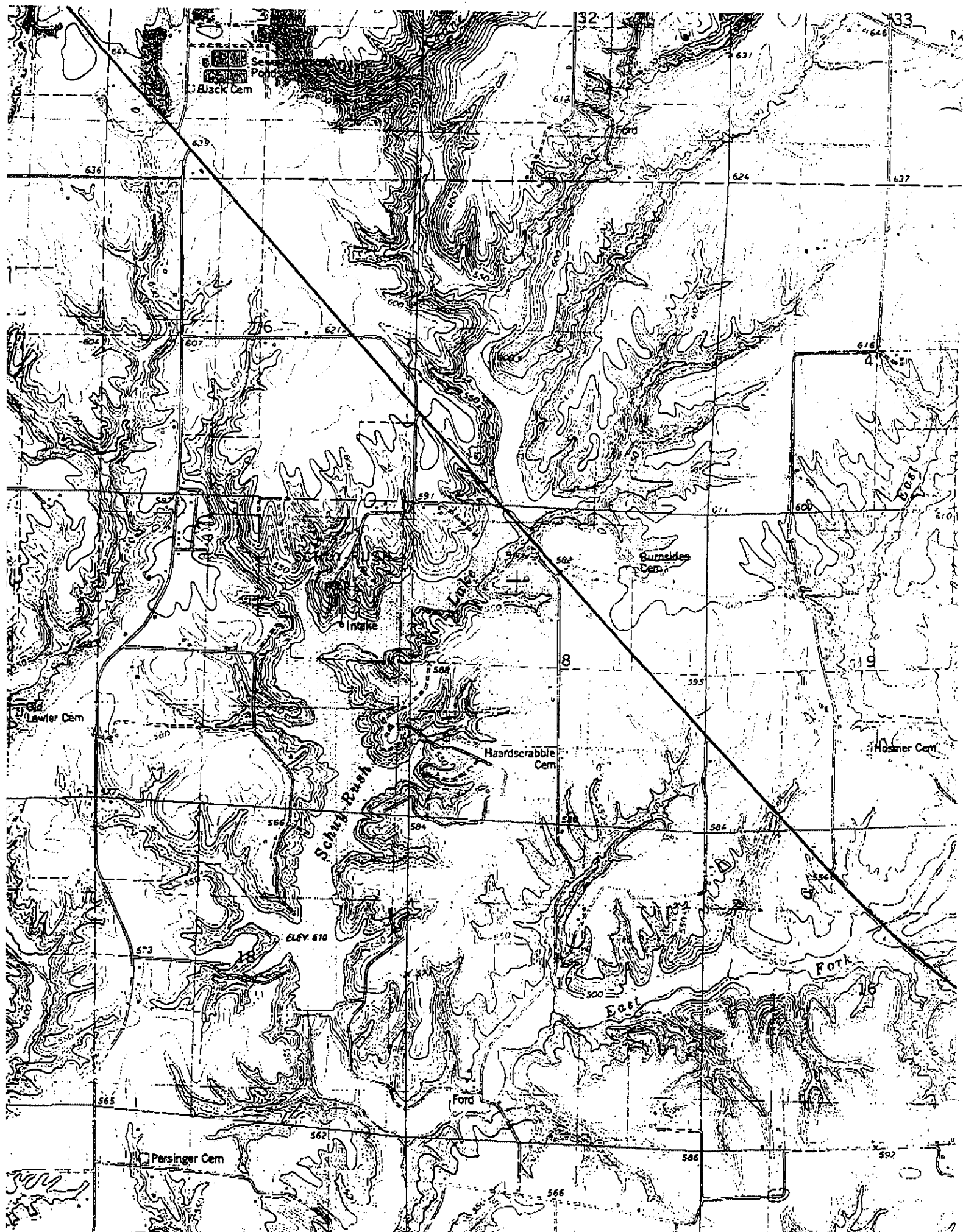
If you have any questions or comments, please contact Mike Vanderhoof at 785-9727.

Sincerely,

Victor A. Modeer, Jr., P.E.
District Engineer

By: William E. Martens
William E. Martens, P.E.
Program Development Engineer

FWH:MEV:mab
Enclosure





U.S. Department
of Transportation

Federal Highway
Administration

Illinois Division

3250 Executive Park Drive
Springfield, Illinois 62703

December 16, 1999

Mr. Victor Modeer, District Engineer
Illinois Department of Transportation
126 East Ash
Springfield, Illinois 62704

Attention: Mr. Mike Vanderhoof
Bureau of Program Development

Dear Mr. Modeer:

Subject: U.S. 67 (FAP 310)
Section (69,9,85,55)
Morgan and McDonough Counties
Jacksonville to Macomb

We have reviewed the information you provided with your letter of October 25, 1999 concerning Schuy-Rush Park along the U.S. 67 corridor and offer the following comments:

1. City ordinances 410 and 398 respectively established Schuy-Rush Park and authorized the city to purchase the property. The property cited in these ordinances is not the property needed for the proposed improvement of U.S. 67. Ordinance 410 established Schuy-Rush Park in the Northeast quarter of Section 7, while the property needed for the proposed improvement of U.S. 67 is in Sections 5 and 8. Therefore, there is no use of Schuy-Rush Park, a Section 4(f) resource.

The property needed for the proposed improvement of U.S. 67 in Sections 5 and 8 is owned by the city but is not officially designated as a Section 4(f) resource and is therefore not considered property protected by Section 4(f).

2. With regards to Schuy-Rush Lake, since there are no established Section 4(f) resources in the area of the lake where the property is needed for the proposed improvement of U.S. 67, the lake is considered to have dispersed secondary recreational activities in this area and would not be considered property protected by Section 4(f).

If you have any further questions, please contact the undersigned at (217)492-4620.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Keith Hoernschemeyer".

Keith Hoernschemeyer
Transportation Engineer

For: Ronald C. Marshall, P.E.
Division Administrator

cc: Barb Stevens, Bureau of Design and Environment